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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/821,060 | 04/08/2004 | Stuart Leslie | H0006605 | 9638 |

7590 04/04/2006

Honeywell International Inc.
Law Department, Patent Services
101 Columbia Road
Morristown, NJ 07962

| EXAMINER |
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TRUONG, BAO Q

| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,060

Applicant(s)

LESLIE ET AL.

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-20, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Peter Lee [US 2004/0052091].

Regarding claim 1, Peter Lee discloses a portable light source [10] having a housing [20] including a first portion [27] pivotally connecting with a second portion [28] and having a receiving area [51] for receiving and covering all of the second portion [28], a light emitting source [46], a battery, a switch [53] and a retaining clip [30] for securing the housing [20] to a vehicle seat belt [22, 24] (figures 1-11, paragraph [0037-0043]).

Regarding claim 2, Peter Lee discloses a switch member [53] (figures 1-3).

Regarding claims 4 and 9, Peter Lee discloses LEDs (paragraph [0042]).

Regarding claims 5 and 8, Peter Lee discloses LEDs being disposed with a recesses portion (figures 1-3).

Regarding claim 6, Peter Lee discloses the retaining clip [37] and the portable light source [10] being configured to receive a vehicle seat belt (figures 1 and 11).

Regarding claim 7, Peter Lee discloses the retaining clip [37] being pivotally mounted to the second housing portion [28] by screw [54] (figures 1-11).

Regarding claims 10 and 11, Peter Lee discloses a portable light source [10] having a housing [20] including a first portion [27] pivotally connecting with a second portion [28] and having a receiving area [51] for receiving and covering all of the second portion [28], a light emitting source [46], a battery, a switch [53] and a retaining clip [37] with an engagement tab [39, 59, 68, 98] (figures 1-11).

Regarding claims 12 and 19, Peter Lee discloses the second housing [28] having a movable engagement tab [which inheritance from the pivotally structure] being rotatable (figures 1-5).

Regarding claim 13, Peter Lee discloses the movable engagement tab [which inheritance from the pivotally structure] further having a pair of projections [35a] for engaging a portion [46a] of the first housing portion [27] (figures 1-5).

Regarding claim 14, Peter Lee discloses the movable engagement tab [which inheritance from the pivotally structure] being integrally formed with the second housing portion [21] (figures 1-5).

Regarding claims 15 and 23, Peter Lee discloses a portable light source [10] having a housing [20] including an upper housing portion [27] pivotally connecting with a lower housing portion [28] and having a receiving area [51] for receiving and covering all

of the second portion [28], a light carrying portion [33] with a light emitting source [46] recessed therein, a battery and a switch [53] (figures 1-11).

Regarding claims 16 and 22, Peter Lee discloses a retaining clip [37] (figures 1-11).

Regarding claim 17, Peter Lee discloses the clip having a protrusion [40] (figures 1-11).

Regarding claim 18, Peter Lee discloses the lower housing portion [28] receiving a plurality of batteries (paragraph [0038]).

Regarding claim 20, Peter Lee discloses the light carrying portion being integrally formed with the upper housing portion (figures 1-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee [US 2004/0052091] in view of Lee [US 2005/0094385].

Regarding claims 3 and 21, Lee [US 2004/0052091] discloses a light emitting source including a switch [53] to active a plurality LEDs, but does not clearly show the switch being disposed on the circuit board having circuitry.

Lee [US 2005/0094385] discloses a light emitting source having a switch [41] disposed on a circuit board [11] with circuitry for LEDs [22] (figure 1-3, paragraph [0032] and [0037]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the light emitting source of Lee [US 2004/0052091] by the circuit board with circuitry as taught by Lee [US 2005/0094385] for purpose of providing an advantageous way of controlling the brightness of the LEDs.

Response to Amendment

5. Applicant's amendments and arguments with respect to independent claims 1, 10 and 15, which includes the first housing portion defining a receiving area for receiving and substantially covering all of the second housing portion therein, have been considered but are moot in view of the new ground(s) of rejection. A cited reference, Lee [US 2004/0052091] discloses the amended limitations.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ALI ALAVI
PRIMARY EXAMINER

Bao Q. Truong
Examiner
Art Unit 2875